

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JAMES DILLON, on Behalf of Himself
and All Others Similarly Situated,

Plaintiff,

vs.

BMO HARRIS BANK, N.A., FOUR
OAKS BANK & TRUST, a North
Carolina-Chartered Bank, GENERATIONS
FEDERAL CREDIT UNION, and BAY
CITIES BANK, a Florida State-Chartered
Bank,

Defendants.

Civil Action No. 1:13-CV-897-CCE (LPA)

**DEFENDANTS' RESPONSE TO PLAINTIFFS'
MOTION TO WITHDRAW MARCH 24, 2016 MOTION FOR LEAVE TO
AMEND COMPLAINT AND FOR LEAVE TO AMEND COMPLAINT**

Defendants BMO Harris Bank, N.A., Four Oaks Bank & Trust, Generations Federal Communities Credit Union, and Bay Cities Bank (collectively "Defendants") do not oppose the relief that plaintiff James Dillon requests in his motion (Dkt. 248):

- (1) to withdraw his March 24, 2016 motion for leave to file an amended complaint (Dkt. No. 218); and
- (2) leave to file the revised version of his proposed amended complaint that he has attached to his motion (Dkt. No. 248-1).

Defendants reserve their rights to assert any and all defenses to the claims asserted in the revised proposed amended complaint, including by responsive pleading or motion.

Defendants respectfully request, however, that the Court postpone acting on Mr. Dillon's motion until the Court rules on Defendants' pending motions for a stay pending appeal (Dkt. Nos. 231, 234).

Dated: July 5, 2016

By: /s/ Mark Vasco

Mark Vasco, NC Bar No. 27048
BRYAN CAVE LLP
One Wells Fargo Center
302 S. College Street, Suite 3400
Charlotte, NC 28202
Telephone: (704) 749-8930
Facsimile: (704) 749-8990
mark.vasco@bryancave.com

Michael P. Carey (*Pro Hac Vice*)
Ann Ferebee (*Pro Hac Vice*)
BRYAN CAVE LLP
1201 W. Peachtree St., N.W.
Suite 1400A
Atlanta, GA 30309
Telephone: (404) 572-6863
Facsimile: (404) 420-0863
michael.carey@bryancave.com
ann.ferebee@bryancave.com

Eric Rieder (*Pro Hac Vice*)
BRYAN CAVE LLP
4601 Park Road, Suite 580
Charlotte, North Carolina 28209
Telephone: (704) 200-2635
Facsimile: (704) 365-3676
mary@alexanderricks.com

Attorneys for Defendant Bay Cities
Bank

By: /s/ Kevin Ranlett

Kevin Ranlett (*Pro Hac Vice*)
MAYER BROWN LLP
1999 K Street, N.W.
Washington, DC 20006
Telephone: (202) 263-3000
Facsimile: (202) 263-3300
kranlett@mayerbrown.com

Lucia Nale (*Pro Hac Vice*)
Debra Bogo-Ernst (*Pro Hac Vice*)
MAYER BROWN LLP
71 South Wacker Drive
Chicago, IL 60606
Telephone: (312) 782-0600
Facsimile: (312) 701-7711
lnale@mayerbrown.com
dernst@mayerbrown.com

Mary K. Mandeville
N.C. Bar No. 15959
ALEXANDER RICKS PLLC
4601 Park Road, Suite 580
Charlotte, North Carolina 28209
Telephone: (704) 200-2635
Facsimile: (704) 365-3676
mary@alexanderricks.com

Attorneys for Defendant BMO Harris Bank,
N.A.

By: /s/Reid C. Adams, Jr.

Reid C. Adams, Jr. NCSB #9669
Garth A. Gersten, NCSB #25090
Jonathan R. Reich, NCSB #41546
WOMBLE CAROLYLE SANDRIDGE &
RICE, LLP
One West Fourth Street
Winston-Salem, NC 27101
Telephone: (336) 721-3600
Facsimile: (336) 721-3660
cadams@wcsr.com
ggarth@wcsr.com
jreich@wcsr.com

Eric A. Pullen (*Pro Hac Vice*)
Leslie S. Hyman (*Pro Hac Vice*)
Etan Tepperman (*Pro Hac Vice*)
PULMAN, CAPPUCIO, PULLEN, BENSON &
JONES LLP
2161 NW Military Highway, Suite 400
San Antonio, TX 78213
Telephone: (210) 222-9494
Facsimile: (210) 892-1610
epullen@pulmanlaw.com
lhyman@pulmanlaw.com
etepperman@pulmanlaw.com

Attorneys for Defendant Generations
Community Federal Credit Union

By: /s/Clifton L. Brinson

Carl N. Patterson, Jr. NCSB #7260
Clifton L. Brinson, NCSB #34331
Isaac A. Linnartz, NCSB #39858
SMITH, ANDERSON, BLOUNT, DORSETT,
MITCHELL & JERNIGAN, LLP
150 Fayetteville St., Suite 2300
Raleigh, NC 27601
Telephone: (919) 821-1220
Facsimile: (919) 821-6688
cpatterson@smithlaw.com
cbrinson@smithlaw.com
ilinnartz@smithlaw.com
Attorneys for Defendant Four Oaks Bank &
Trust Co.

CERTIFICATE OF SERVICE

I certify that on this 5th Day of July, 2016, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of the filing to the attorneys on that system.

By: /s/Kevin Ranlett

Kevin Ranlett